

### **REMARKS**

This responds to the Office Action dated on January 9, 2008. Claim 18 is amended. No claims are cancelled or added. As a result, claims 1-32 remain pending in this patent application, of which claims 1-17 have already been allowed.

#### *Allowable Subject Matter*

Claims 1-17 have been allowed. As described below, the remaining claims 18-32 have been similarly amended to be allowable.

#### *§102 Rejection of the Claims*

Claims 18-22 and 30-31 were rejected under 35 U.S.C. § 102(b) for anticipation by Snell et al. (U.S. Patent No. 5,431,691, hereinafter "Snell"). Applicant has amended claim 18 to overcome this rejection. The Office Action notes:

Applicant's arguments, see remarks, filed 10/23/07, with respect to claims 1-17 have been fully considered and are persuasive. The rejections of claims 1-17 have been withdrawn. . . .

Applicant's arguments filed 10/23/07 with respect to claims 18-32 have been fully considered but they are not persuasive. The applicant argues that Snell does not disclose a clock circuit that rolls over and generates readable values every few minutes. Claim 18 does not contain the limitation that the applicant is arguing. Claim 18 only requires storing event markers and a timestamp and does not claim or positively recite a method step of a clock circuit outputting the timestamp or a clock circuit that rolls over every few minutes and therefore Snell anticipates the claim and meets the functional use recitations of the method claims. The rejection of claims 18-22 stands.

(Office Action ¶¶ 2-3.) Applicant has amended claim 18 to include such language as helpfully pointed out by the Examiner, thereby rendering claims 18-32 allowable for the same reasons as allowed claims 1-17, such as for the reasons described in Applicant's previous response, which, for brevity are incorporated herein by reference. If the Examiner should disagree that Applicant's present claim amendments are sufficient, then the Examiner is respectfully formally requested to telephone Applicant's counsel, Suneel Arora, at 612-373-6951 to discuss whether any additional minor amendments are needed to obtain allowance of the remaining claims 18-32. Accordingly, Applicant respectfully requests reconsideration and allowance of these claims.

§103 Rejection of the Claims

Claims 23, 29 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Snell et al. (U.S. Patent No. 5,431,691). Claims 24-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Snell et al. as applied to claims 19-22 above, and further in view of McClure et al. (U.S. Patent No. 6,161,043, hereinafter "McClure"). Applicant respectfully submits that the present claim amendments have overcome these rejections of claims 23-29 and 32, on the grounds that Snell, McClure et al., and the Office Action's reasoning do not disclose, teach, or suggest all of the recited subject matter of these claims for reasons similar to those discussed above with respect to the § 102 rejection and the reasons stated in Applicant's previous response, which, for brevity, are incorporated herein by reference. If the Examiner should disagree that Applicant's present claim amendments are sufficient, then the Examiner is respectfully formally requested to telephone Applicant's counsel, Suneel Arora, at 612-373-6951 to discuss whether any additional minor amendments are needed to obtain allowance of the remaining claims 18-32. Accordingly, Applicant respectfully requests reconsideration and allowance of these claims.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to

pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

### CONCLUSION

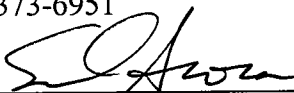
Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6951 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date May 8, 2008

By   
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8 day of May 2008.

Kate Cannon

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